

REMARKS

This Amendment is made in response to the Official Action dated April 6, 2005.

Claims 1 has been retained in its original form, while Claims 4 and 5 have been amended to emphasize the half-jacket nature of the eyewear. Claims 2, 3 and 6-12 are dependent on Claim 1 and thus are in their original form. Non-elected Claims 13-30 are canceled without prejudice to reinsertion in a continuing application.

Claims 31-37 have been added to claim specific features of the invention.

The Examiner has objected to Applicant's claim of reliance on application 09/992,361 as a basis for asserting this application to be a continuation-in-part. Applicant is attempting to reach Mr. Kyung H. Min in Korea with a view toward naming Mr. Min as a co-inventor and correcting the inventorship set forth herein. The documents sent to Korea to establish Mr. Min's co-inventorship have not yet been returned. Accordingly, Applicant respectfully requests that the requirement for deletion of paragraph 001 be put in abeyance until the documents are received. Grant of this request will not delay examination.

The Examiner has rejected the claims either under 35 USC 102 in view of U.S. 6,641,263 to Olney or 35 USC 103 in view of the disclosure of Olney combined with that of Wilson.

It is respectfully submitted that the Examiner has apparently overlooked a critical limitation of the claims, namely that the claims are directed to half jacket frames. Olney discloses only a full jacket frame and therefore could not anticipate the claims. Wilson was cited for its showing of temples with a resistance strip, but like Olney is directed to eyewear with a full jacket frame.


As noted in the specification to half-jacket eyewear when used for active sports such as motorcycling presents several problems making it desirable to provide a way to prevent dust or wind from reaching the eyes. Attachment of a dust shield, while maintaining the functionality and aesthetic qualities of the eyewear, presents a unique challenge. Further, to manufacture eyewear with less than full circumferential orbitals that are dimensionally stable requires special design considerations.

The full jacket eyewear of the cited references are not faced with these problems and thus do not suggest solutions to these problems. What the prior art does not suggest, it cannot teach.

In view of the foregoing and the amendments made herein to define the invention with greater particularity, reconsideration and withdrawal of the rejections are requested and passage of the case to issue is earnestly solicited.

Respectfully submitted,

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